

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House Bill 1214, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 32-31-4-1.5 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. As used in this chapter,**
- 6 **"storage facility" means a facility approved by a court for storage**
- 7 **of a tenant's personal property under section 2(e) of this chapter.**
- 8 SECTION 2. IC 32-31-4-2 IS AMENDED TO READ AS
- 9 FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. (a) A landlord has**
- 10 **no liability for loss or damage to a tenant's personal property if the**
- 11 **tenant's personal property has been abandoned by the tenant.**
- 12 **(b) For purposes of this section, a tenant's personal property is**
- 13 **considered abandoned if a reasonable person would conclude that**
- 14 **the tenant has vacated the premises and has surrendered**
- 15 **possession of the personal property.**
- 16 **(c) An oral or a written rental agreement may not define**

1 **abandonment differently than is provided in subsection (b).**

2 **(d)** If a landlord is awarded possession of a dwelling unit by a court
 3 under IC 32-30-2, the landlord may seek an order from the court
 4 allowing removal of a tenant's personal property.

5 ~~(b)~~ **(e)** If the tenant fails to remove the tenant's personal property
 6 before the date specified in the court's order issued under subsection
 7 ~~(a)~~, **(d)**, the landlord may remove the tenant's personal property in
 8 accordance with the order and deliver the personal property to a
 9 warehouseman under section 3 of this chapter **or to a storage facility**
 10 **approved by the court.**

11 SECTION 3. IC 32-31-4-3 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) If a tenant has
 13 failed to remove the tenant's personal property under section 2 of this
 14 chapter, a landlord may deliver the personal property to a
 15 warehouseman **or to a storage facility** if notice of both of the
 16 following has been personally served on the tenant at the last known
 17 address of the tenant:

18 (1) An order for removal of personal property issued under
 19 section 2 of this chapter.

20 (2) The identity and location of the warehouseman **or the storage**
 21 **facility.**

22 (b) At the demand of the owner of the exempt property, the
 23 warehouseman **or storage facility** shall release the exempt property to
 24 the owner without requiring payment from the owner at the time of
 25 delivery.

26 (c) A waiver of the provisions of section 1 of this chapter or
 27 subsection (b) by contract or otherwise is void.

28 SECTION 4. IC 32-31-4-4 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A warehouseman
 30 **or storage facility** that receives property under this chapter holds a
 31 lien on all of that property that is not exempt property to the extent of
 32 the expenses for any of the following incurred by the warehouseman **or**
 33 **storage facility** with respect to all of the property, whether exempt or
 34 not exempt:

35 (1) Storage.

36 (2) Transportation.

37 (3) Insurance.

38 (4) Labor.

- 1 (5) Present or future charges related to the property.
- 2 (6) Expenses necessary for preservation of the property.
- 3 (7) Expenses reasonably incurred in the lawful sale of the
- 4 property.
- 5 (b) A tenant may claim the tenant's property at any time until the
- 6 sale of the property under section 5 of this chapter by paying the
- 7 warehouseman **or storage facility** the expenses described in this
- 8 section.
- 9 SECTION 5. IC 32-31-4-5 IS AMENDED TO READ AS
- 10 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. If a tenant does not
- 11 claim the tenant's property within ninety (90) days after receiving
- 12 notice under section 3 of this chapter, a warehouseman **or storage**
- 13 **facility** may sell the property received under this chapter under
- 14 IC 26-1-7-210(2).".
- 15 Page 3, line 4, after "order;" insert "**or**".
- 16 Page 3, line 6, delete "unit; or" and insert "**unit.**".
- 17 Page 3, delete line 7.
- 18 Renumber all SECTIONS consecutively.
- (Reference is to HB 1214 as introduced.)

and when so amended that said bill do pass.

Representative Lawson L